

Office of the Sheriff
County of Newberry
State of South Carolina
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Law Enforcement Division
803-321-2211
Victim's Advocate Division
803-321-2211
E911 Administration & Addressing
803-321-2182
E911 Telecommunications Division
803-321-2222
Jail Division
3239 Louis Rich Drive
Newberry, SC 29108
803-321-2141

February 12, 2019

Matt Moore

Via Email: matt.moore@hearst.com

Dear Requestor,

We are in receipt of your request made pursuant to the South Carolina Freedom of Information Act February 11, 2019, and received in our office that same date.

You requested: I hereby request the following documents:

- Any and all policies, procedures, memorandums, directives, and any other guiding materials regarding matters pertaining to the collection, maintenance, transfer, and disposal of sexual assault evidence collection kits (also known as "sexual assault kit", "sexual offense evidence collection kit", "sexual assault forensic evidence kit", "physical evidence recovery kit", "rape test kit", or "rape kit"), including, but not limited, to the following:

1. Policies and procedures related to the initial collection of sexual assault evidence collection kits.
2. Policies and procedures regarding the timeframe of the collection and testing of sexual assault evidence collection kits including the timeframe required for sexual assault evidence collection kits testing by the examiner (also known as "sexual assault examiners", "sexual assault nurse examiners", or "sexual assault forensic examiners").
3. All mechanisms by which sexual assault evidence collection kits are or can be tested including all designated facilities where sexual assault evidence collection kits can be performed.
4. Policies and procedures regarding the maintenance and transfer of sexual assault evidence collection kits.
5. Policies and procedures concerning a petition to test a sexual assault evidence collection kits.

6. Policies and procedures related to the process of checking the status of a sexual assault evidence collection kits and the notification provided to survivors regarding their sexual assault evidence collection kits.

7. Policies and procedures regarding the statute of limitations for maintenance and or storage of sexual assault evidence collection kits, both tested and untested.

- Please also provide all available data, statistics, or reports regarding:

1. The number of sexual assault evidence collection kits collected by the agency.
2. The number of sexual assault evidence collection kits tested by or on behalf of the agency.

3. The timeframe between collection and testing of sexual assault evidence collection kits.

4. The number of requests to check the status of sexual assault evidence collection kits. (Please note this is not a request for identifying or confidential information of survivors or their cases or sexual assault evidence collection kits.)

Please notify me if further clarification is needed.

I would ask any fee associated with this request be waived as the matter is of great public interest and public safety. In the event that there are fees, please let me know before fulfilling my request.

I would prefer to receive these records in a digital format and by email if possible. If any information is more readily available than other parts of the request, please send those records as soon as they're available.

Seeking a way to prove the information requested in the most efficient method, cost and labor, we make the following responses to your questions. Should you then decide you want copies of policies, more research for specific numbers, or information not already provided; we could then provide the information upon a more specific request. You request appears in black ink and our response in blue ink for ease of review.

Any and all policies, procedures, memorandums, directives, and any other guiding materials regarding matters pertaining to the collection, maintenance, transfer, and disposal of sexual assault evidence collection kits (also known as "sexual assault kit", "sexual offense evidence collection kit", "sexual assault forensic evidence kit", "physical evidence recovery kit", "rape test kit", or "rape kit"), including, but not limited, to the following: [These are gathered by the standard](#)

rules of evidence collection found in our policy. There are no specific policies specific to these kits except that they are to be kept refrigerated until delivered to SLED.

1. Policies and procedures related to the initial collection of sexual assault evidence collection kits. Standard Operating Procedure is to use a standard sexual assault kit obtained from the State Law Enforcement Division and the evidence is collected by medical personnel at a licensed medical facility by a certified sexual assault nurse. There may be exceptional circumstances that change this time frame to either more or less time, but this is the general guideline.
2. All mechanisms by which sexual assault evidence collection kits are or can be tested including all designated facilities where sexual assault evidence collection kits can be performed. We collected only a licensed medical facility using a certified sexual assault nurse or Medical Doctor. All testing of such kits is done by the State Law Enforcement Division.

There is an exception in South Carolina law that allows a victim to make a sexual assault report anonymously. SLED will not accept these for testing so the kits are collected and maintained in our evidence room refrigerated. If the victim later changes their mind, the kits could then be sent for testing.

3. Policies and procedures regarding the maintenance and transfer of sexual assault evidence collection kits. These kits are maintained in accordance with our policies related to general evidence collection and testing.
4. Policies and procedures concerning a petition to test a sexual assault evidence collection kits. We have no such policy or procedure. They are taken to SLED (State Law Enforcement Division). The request for SLED to perform the test is done upon delivery and completion of evidence log in.
5. Policies and procedures related to the process of checking the status of a sexual assault evidence collection kits and the notification provided to

survivors regarding their sexual assault evidence collection kits. No specific procedures are in place outside of our standard protocol related to required updates to victims on their case status. We are notified by both email and U.S. mail of the results by SLED and the victims are notified as part of their standard and required updates by investigators.

6. Policies and procedures regarding the statute of limitations for maintenance and or storage of sexual assault evidence collection kits, both tested and untested. South Carolina recognizes no statute of limitations for unsolved crimes; therefore, we maintain kits once returned from SLED indefinitely. The South Carolina Criminal Justice code requires that the evidence be maintained for specific periods of time depending on the type of conviction. If it is guilty plea, they must be held 7 years from the date of sentencing, released from prison, or dies. If a trial conviction, it must be held until the person is released from incarceration.

- Please also provide all available data, statistics, or reports regarding:

1. The number of sexual assault evidence collection kits collected by the agency. We currently do not compile this specific information. It could be determined through research of our evidence records; however, there would be charges for the time to research and produce this information.

2. The number of sexual assault evidence collection kits tested by or on behalf of the agency. All kits that we receive are submitted to SLED for testing.

3. The timeframe between collection and testing of sexual assault evidence collection kits. Not tracked by this agency. As a standard practice, the completed kits are delivered to SLED with 5 working days; however, the time it takes for those to be tested varies greatly depending upon case load and other factors at SLED, outside of our control.

4. The number of requests to check the status of sexual assault evidence collection kits. (Please note this is not a request for identifying or confidential information of survivors or their cases or sexual assault evidence collection kits.) Not tracked by this agency

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South Carolina Code of Laws Section 30-2-50 expressly prohibits all requestors from obtaining or using public records for the purpose of commercial solicitation to any person in this State. This section further makes it the duty of the public body to notify all requestors that any such solicitation is unlawful. It is the intent of this agency to meet this requirement by including this information in our response.

Based upon the criteria set forth in your request, all the information in our records has been provided and this concludes our response to your request.

Please contact our office if you have any questions or need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Todd Johnson".

Todd Johnson, Chief Deputy
tjohnson@ncso.sc.gov
(803) 405-7703